

**REMARKS/ARGUMENTS**

Claims 1-3 and 6-8 are currently pending. By this amendment, claims 9-18 are canceled without prejudice or disclaimer. Further, in order to expedite prosecution of this application, independent claim 1 has been amended to recite additional features of an embodiment of the invention, support for which can be found in the original specification and drawing figures at, in an illustrative embodiment, paragraph [0044]. Thus, no new matter is added. In view of the amendments made and the following remarks, all claims not in condition for allowance.

The invention relates to a sterile and safe package for a system that pierces the skin of a patient and contacts a test strip with the patient's blood and/or analytes therein. As such, claim 1 has been amended to recite that the medical device received in the cavity in the package comprises a test strip and a dermal tissue penetration member. Since the prior art of record does not describe systems for use in contacting test strips with human blood and blood analytes, it does not contemplate the need to create a package that accurately and quickly aligns the electrodes on the test strip with electrodes in the medical device packaging. For this reason and because the prior art does not teach, disclose, or suggest any system or modification to the disclosed systems that would enable a medical device package for removably receiving a medical device that comprises a test strip and dermal tissue penetration device, the rejections of record are obviated. Moreover, since the Examiner's search encompassed the field of this invention and did not locate any reference or combination of references that teach each element and limitation of claim 1, as amended, pending claims 1-3 and 6-9 should be held to be in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 484-356-1794 or facsimile number 610-644-8717.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. DDI5016USNP/WJ) (Johnson & Johnson).

Respectfully submitted,

/Wayne Jaeschke, Jr/

Dated: March 12, 2009

By: \_\_\_\_\_

Wayne C. Jaeschke, Jr.

Reg. No. 38,503

Johnson & Johnson  
Patent Law Division  
Attn: Philip Johnson  
P.O. Box 1222  
New Brunswick, NJ 08933  
(484) 356-1794